

REMARKS

Applicants' Claims 1 – 31 are in the patent application.

New claims 29-31 have added to applicant's patent application.

Claims 10-19 have been amended due to correct several typographical errors.

ELECTION

In response to the Restriction Requirement mailed November 20, 2006, applicant hereby provisionally elect the claims of Group I, claims 1-25, drawn to a construction element and method of making a construction element, classified in class 52, subclass 596. Applicant further provisionally elects Species 1 claims 1-21 and claims 29-31.

However, with regard to Species election in Group I, Applicant does not understand the Examiner's designation of Species 1 – Figure 1: Species 2 – Figure 2. As the Brief Description of the Drawings indicates, FIG. 1 illustrates a simplified perspective view of masonry construction element during manufacture of a beam. FIG 2 illustrates a simplified wall structure having beams stacked on top of each other. It is unclear to the applicants' how FIG. 1 and FIG. 2 provide a species useful for a restriction requirement. Further, reading of the description of FIG. 2 in the specification, it is clear that the simplified wall structure uses applicant's technology described in his own specification. Without further understanding, it is difficult to know how to proceed. However, in compliance with the restriction requirement, applicant hereby elects claim 1-22 as Species 1.

Applicant believes that claim 29-31 would fall within the Group 1 and Species 1 of the present restriction requirement.

With regard, to Group 2, Applicant also does not understand the Examiner's designation of Species 3 – Figure 3; Species 4 – Figure 4; Species 5 – Figure 5; Species 6 – Figures 6-7. As the Brief Description of the Drawings indicates, Figure 3 illustrates a simplified sectional view of a curved masonry beam being assembled. Form 306 provides curve 308, wherein curve 308 is transferred to curved element 302; Figure 4 illustrates a simplified partial view of a plurality of masonry beams 402 and 404. The masonry beams 402 and 404 are placed on supports 430 and 432; Figure 5 illustrates a simplified partially completed masonry ceiling 506. With a plurality of curved beams 502, that make up masonry ceiling 506; Figure 6 illustrates a simplified masonry arch 600 fabricated with a masonry beam

602; and Figure 7 illustrates another simplified masonry arch 700 with a curved, cantilevered, masonry beam 702.

CONCLUSION

In view of all the above, it is believed that the application is now in better condition for favorable consideration on its merits. It is believed that Applicants' claims are allowable, and the case is now in condition for allowance which action is earnestly solicited.

No new matter is introduced by the amendments contained herein.

The provisional election of Group I claims, claims 1-21 and 29-31, is hereby confirmed.

Claims 1-31 are pending in the application.

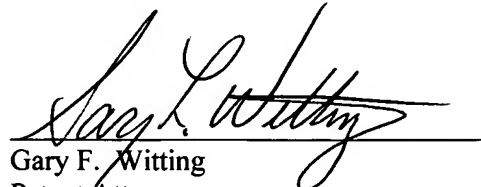
No amendment made herein was related to the statutory requirements of patentability unless expressly stated; rather any amendment not so identified may be considered as directed *inter alia* to clarification of the structure and/or function of the invention and Applicant's best mode for practicing the same. Additionally, no amendment made herein was presented for the purpose of narrowing the scope of any claim, unless Applicant has argued that such amendment was made to distinguish over a particular reference or combination of references. Furthermore, no election to pursue a particular line of argument was made herein at the expense of precluding or otherwise impeding Applicant from raising alternative lines of argument later during prosecution. Applicant's failure to affirmatively assert specific arguments is not intended to be construed as an admission to any particular point raised by the Examiner.

Should the Examiner have any questions regarding this Response and Amendment or feel that a telephone call to the undersigned would be helpful to further advance prosecution of this matter, the Examiner is invited to call the undersigned at the number given below.

Authorization is hereby given to charge any fee necessitated by action taken herein to Deposit Account 50-3466.

Respectfully submitted,
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